

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DENISE GRAVES,
Plaintiff

vs

RICHARD GOODWIN,
Defendant

Case No. 1:09-cv-852
Barrett, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

This matter is before the Court on plaintiff's motion to reopen case (Doc. 12), which the Court liberally construes as a motion to alter or amend judgment. Plaintiff seeks reconsideration of the Court's December 16, 2009 dismissal order and judgment. (Docs. 7, 8).

As a general rule, motions for reconsideration are not favored unless the movant demonstrates: "(1) a manifest error of law; (2) newly discovered evidence which was not available previously to the parties; or (3) intervening authority." *Meekison v. Ohio Dept. of Rehabilitation and Correction*, 181 F.R.D. 571, 572 (S.D. Ohio 1998) (citing *Harsco Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985), *cert. denied*, 476 U.S. 1171 (1986)). The Court has carefully reviewed plaintiff's motion and the authorities cited therein. In this case, there is no intervening change of controlling law, nor has plaintiff submitted new evidence. The Court is not aware of any need to correct a clear error or to prevent manifest injustice. Instead, plaintiff has simply reargued the issues upon which she was not successful before this Court.

Plaintiff has not alleged any facts or cited any legal authority which suggests that reconsideration of the Court's Order of dismissal is warranted. If plaintiff wishes to obtain review of the Court's decision and orders, she must pursue an appeal to the United States Court

of Appeals for the Sixth Circuit.

Accordingly, it is hereby **RECOMMENDED** that plaintiff's motion to reopen be
DENIED.

Date: 9/1/2011

Karen L. Litkovitz

Karen L. Litkovitz
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DENISE GRAVES,
Plaintiff

vs

RICHARD GOODWIN,
Defendant

Case No. 1:09-cv-852
Barrett, J.
Litkovitz, M.J.

**NOTICE TO THE PARTIES REGARDING THE FILING OF OBJECTIONS TO THIS
R&R**

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Denise Graves 35356
 Ohio Reformatory for Women
 1479 Collins Avenue
 Marysville, OH 43040

A. Signature

X Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- | | |
|--|---|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label)

7003 2260 0002 6723 4071

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540